

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 4:04CR73-P-B**

**LARRY LEE**

**ORDER**

This cause is before the Court on defendant Lee's Motion for Continuance [35]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for February 5, 2007. Counsel for defendant seeks a continuance because his trial schedule and a recent injury have hindered his efforts to communicate with his client and to engage in plea negotiations on his behalf. The government does not object to the requested continuance. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from February 5, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare his defense to the charges at issue. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [35] is GRANTED;
2. That the trial of this matter is continued until Monday, March 26, 2007 at 9:00 a.m.  
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from February 5, 2007 until March 26, 2007 is excluded as set out  
above;
4. That the deadline for filing pretrial motions is March 5, 2007;
5. That the deadline for submitting a plea agreement is March 12, 2007.

SO ORDERED, this the 25<sup>th</sup> day of January, 2007.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE